

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-177640

DATE: JAN 29 1976

MATTER OF: Shipment of a privately owned vehicle on
Alaska State Ferry System (Alaska Marine
Highway) - Captain John H. Byrd, Jr., USCG

DIGEST:

Incident to a permanent change of station
Coast Guard member's privately owned
vehicle was transported via the Alaska
State Ferry System from Juneau, Alaska,
to Seattle, Washington. Member is
entitled to such transportation at Govern-
ment expense since "privately owned
American shipping services," as used in
10 U. S. C. 2634 (1970) authorizing the
transportation at Government expense of
a privately owned motor vehicle of a
member of an armed force ordered to
make a permanent change of station,
includes state owned vessels.

This action is in response to the claim of a Coast Guard officer for reimbursement of expenses in the amount of \$212 incurred incident to the shipment of a privately owned vehicle (POV) on the Alaska State Ferry System (Alaska Marine Highway) from Juneau, Alaska, to Seattle, Washington, in connection with a permanent change of station. The claim was forwarded to this Office by the Authorized Certifying Officer, United States Coast Guard, Department of Transportation.

The record indicates that Captain John H. Byrd, Jr., USCG, at the end of a tour of duty in Alaska made arrangements for his own passage and that of his wife and for transportation of his POV via the Alaska State Ferry Service, also known as the Alaska Marine Highway, from Juneau, Alaska, to Seattle, Washington. He paid \$366 in advance for these services. On July 3, 1973, Captain Byrd was issued a transportation request in favor of the Alaska State Ferry System for ferry class water transportation from Juneau to Seattle with stateroom accommodations for himself and his wife. On the same day he conveyed the transportation request to the Division of Marine Transportation, Department of Public Works, State of Alaska, and was refunded all of his initial outlay except the \$212 cost of shipment of his POV. He now claims a refund of this sum.

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Captain Byrd in his claim dated July 19, 1974, says that there is nothing in the language of the controlling statute that excludes transportation of authorized motor vehicles at United States expense aboard the Alaska State Ferry System vessels and that Congress did not intend to exclude the Alaska State Ferry System as a carrier authorized to transport motor vehicles at the expense of the United States in change of permanent station cases such as his own. Captain Byrd also says that had the schedules of ships operated by the ferry service been such that his automobile was aboard the Panamanian flag M/V Wickersham instead of the United States flag M/V Malispina, then the claim would have been paid.

As indicated by Captain Byrd the language of 10 U. S. C. 2634 does not specifically exclude the transportation of members' vehicles aboard vessels of the Alaska State Ferry System. That section provides in pertinent part for the shipment of one motor vehicle incident to a member's change of permanent station, at Government expense--

"(1) on a vessel owned, leased, or chartered by the United States;

"(2) by privately owned American shipping services; or

"(3) by foreign-flag shipping services if shipping services described in clauses (1) and (2) are not reasonably available."

Since the inception of the Alaska State Ferry System in about 1963 it apparently has been understood by the Department of Defense that shipment of an automobile by means of that System was not authorized at Government expense. However, paragraph 11007 of the Joint Travel Regulations was not amended until August 1, 1975, to state specifically that there is no authority to reimburse a member for the cost of transporting his automobile on the Alaska State Ferry System.

We have reviewed the question and now believe that it is the better position that the cost assessed by the Alaska State Ferry System for transportation of automobiles should be considered an allowable charge for automobile transportation

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under 10 U.S.C. 2634. Although the clause "privately owned American shipping services" is used in that provision of law, it is clear that the phrase was used, when enacted, to permit the use of American shipping not owned or controlled by the Federal Government. At the time this language was first enacted the Alaska State Ferry System was not in being and the designation of Government shipping and "privately owned American shipping" was understood to cover all existing American flag ocean shipping. The advent of the Alaska State Ferry Service created an entity which arguably was not included in the basic authorization. Such a result, however, would be contrary to the intent of Congress in providing for the transportation of automobiles for members of the military services stationed overseas.

As this law developed it was intended to provide for the transportation of automobiles of military personnel on a reasonable and economical basis. We believe that to exclude use of the Alaska State Ferry Service simply because it is controlled by a state rather than a commercial enterprise would defeat the purpose of the law. Therefore, it is our view that the pertinent regulations should be changed to authorize payment of the costs of transporting privately owned automobiles on the Alaska State Ferry System incident to a change of permanent station. Cf. 53 Comp. Gen. 131 (1973). Further, since paragraph 11007, Volume 1 of the Joint Travel Regulations does not reflect the scope of authority granted as discussed herein that provision need not be considered as precluding otherwise proper payments for Alaska State Ferry Service transportation of automobiles.

For the reasons stated the voucher presented may be paid if otherwise correct.

R. F. KELLER

Deputy

Comptroller General
of the United States